



W.P.(MD).No.9695 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.11.2024

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD).No.9695 of 2017

and

W.M.P.(MD)Nos.7443 and 7444 of 2017

Thirumathi R.Saroja

...Petitioner

Vs

1.The District Revenue Officer,
Sivagangai,
Sivagangai District.

2.The Revenue Divisional Officer,
Devakottai, Sivagangai District.

3.The Tahsildar,
Karaikudi, Sivagangai District.

4.Karuppiah

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order in Na.Ka.No.B1/24790/2013, dated 28.02.2017 issued by the first respondent in respect of lands in Survey No.501/5 and 501/6 Kallal Village, Karaikudi Taluk, Sivagangai District and quash the same and consequently direct the first respondent to pass appropriate orders within the time limit fixed by this Court.



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For Petitioner : Mr.V.R.Shanmuganathan

For R-1 to R-3 : Mr.J.K.Jayaselan
Government Advocate

For R-4 : Mr.K.Saravanan

ORDER

Heard Mr.V.R.Shanmuganathan, learned counsel for the petitioner, Mr.J.K.Jayaselan, learned Government Advocate for the respondents 1 to 3 and Mr.K.Saravanan, learned counsel for the 4th respondent.

2. This Writ Petition has been filed challenging the proceedings of the first respondent confirming the order passed by the second respondent, whereby the subdivision patta granted in the name of the petitioner has been cancelled.

3 .The issue involves in this Writ Petition is no more *res integra*. It has been repeatedly held by this Court as well as the Apex Court, that when a title dispute is there between the parties, the revenue authorities ought to have laid their hands, in view of Rule 4(4) of the Patta Pass Book Act.



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4.This Court under [Article 226](#) of the Constitution of India, cannot go into the title of the parties and the same can be decided only by adducing evidence before the appropriate Civil Court and any opinion by this Court on the documents relied on by the parties would prejudice the interest of the parties before the Civil Court. The issue has been already been covered by this Court reported in **1995(1) MLJ 426**, in the case of ***Kuppuswami Nainar Vs The District Revenue Officer and others.***

5. Hence, I do not propose to venture into the averments made in this writ petition. However, the parties shall at liberty to approach the Civil Court, seeking redressal of their grievances. On filing of suit before the Civil Court, the period of pendency of Writ Petition shall stand excluded.

6. Accordingly, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

14.11.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr



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To:

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K.KUMARESH BABU, J.

Nsr

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